

Remarks/Arguments

This Amendment is in response to the Office Action mailed December 29, 2005. Claims 29, 31, 33-38 and 50-54 remain pending.

As an initial matter, dependent claims 51-54 stand objected to under 37 CFR 1.75 (c) for failing to limit the subject matter of independent claim 50. Due to a clerical error, claims 51-54 were shown as depending from claim 55. This has been corrected in the Amendments to the Claim Section of this paper to reflect proper dependency of claims 51-53 from independent claim 50.

In addition, pending claim 50 has been amended to include the matter of dependent claim 54 and recite, as does claim 29, that "the light pipe is molded in the foam layer". See page 10, line 13 for support. No new matter has been entered. In addition, independent claims 29 and 50 have been amended to recite the use of a plurality of light pipes, along with dependent claims 31, 34 and 35. As such subject matter represents the subject matter of canceled dependent claim 37, no new matter has been entered. Claim 54 has also been cancelled.

The Examiner has rejected claims 29, 31, 33, 36 and 50 under 35 U.S.C. 103(a) as being unpatentable over Platt, et al. (United States Patent No. 5,917,165).

The present application is a division of United States Patent Application Serial No. 09/773,840. Claim 29 recites that the invention amounts to an automotive trim panel comprising a light transmissive cover layer, a plurality of light pipes each having a first and second end, and a light source. One end of the light pipe is positioned adjacent the light source and other end is positioned adjacent the rear surface of the cover layer. The cover layer includes a foam layer and the light pipes are molded in the foam layer.

The Examiner took the position that Platt disclosed a panel having a light transparent cover layer and a method of backlighting the panel having a front and rear surface. The Examiner noted that Platt relied upon an LED light (37 in FIG. 6), an opening (26) and a foam layer (24 and col. 4 line 50). The Examiner recognized that Platt did not disclose a light pipe adjacent to the LED. Thus, Applicant agrees with the Examiner that an element of the independent claims 29 and 50 are entirely missing in the primary reference.

This has now been expanded upon in the sense that the present invention recites the feature that there is a plurality of light pipes. Again, since Platt does not teach or suggest a light pipe, it stands to reason that this reference may be understood as again not teaching or suggesting a plurality of light pipes. And, as more fully noted below, given the fact that the secondary reference of Archer does not appear to be available as a reference, the art of record does not appear to support a rejection under 35 USC 103.

The Examiner also stated as follows in the pending Office Action:

“It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a light guide into the opening as Platt taught in order to guide light upwardly through the opening.”

It is not seen how this conclusion can be fairly drawn from Platt. Platt, as the Examiner correctly noted, positions a light source 37 in an opening that is positioned beneath a light transparent cover layer, and in that sense, there is no need in Platt to incorporate another element (such as a light guide) into such opening. Platt simply teaches that it is completely sufficient to provide an opening 26 and a light source 37 in the opening. Platt is therefore understood to be completely silent as to any need for the plurality of light pipes features as recited in independent claims 29 and 50. In addition, given that Platt appears technically satisfied that an opening and a

light source in the opening is all that one may require, it is believed that Platt teaches away from the need of a light pipe, much less a plurality of light pipes.

It also stands to reason that another reason Platt et al would not be inclined to utilize the additional element of a light pipe is that Platt et al stands directed at a touch contact switch including an evaluating circuit and a sensor button. In that sense, the Examiner's suggestion that Platt et al would add a light pipe would appear to stand in the way of forming a contact switch. Again, as the Examiner points out, "Platt does not disclose a light pipe positioned adjacent to the LED". That being the case, it is believed reasonable to conclude that since Platt did not disclose a light pipe positioned adjacent the LED, and is directed at the goal of a contact switch, one of ordinary skill in the art would not be inclined to utilize a light pipe, as such might interfere with the switching operation.

Furthermore, there is another entirely independent basis to distinguish the present invention. Applicant's invention is not directed at a sensor button, nor an opening therein, but rather at an automotive trim panel comprising a light transmissive cover layer with a plurality of light pipes, **the light pipes molded into a foam layer** adjacent the back surface of the cover layer. Contact switches and sensor buttons as described in Platt, et al. are discreet components. The sensor buttons may be of foam and are electrically conductive. There is no teaching or suggestion that the buttons are a foam layer or more importantly, that a plurality of light pipes are actually "molded in the foam layer" (see again, independent claims 29 and 50).

In fact, once again, upon review of Platt et al, it appears that all Platt shows is the placement of a light source (37 in Fig. 6) in an opening 26. No mention is made that one should employ a light pipe, much less a light pipe molded into a foam layer, as such additional step is simply not contemplated or deemed useful in the goal of Platt to provide a touch contact switch.

Moreover, the use of a plurality of light pipes, in the automotive trim panel, as noted in the specification, allows one to uniquely create a pattern. As such, light sources of different colors can be used to create patterns of different colors. See, page 10, lines 11-13. This particular capability of the present invention is nowhere understood as being disclosed or suggested by Platt et al, who again, does not teach or suggest a plurality of light pipes.

Regarding the rejection of dependent claims 34, 35, 37 and 38 under 103 (a) as being unpatentable over Platt in view of Archer, et al. (United Stated Patent No. 6,971,760), Archer et al. does not teach or suggest a plurality of light pipes **molded in** a foam layer. Accordingly, it is not believed that Archer makes up for any of the deficiencies of the primary reference with respect to the current claims.

Archer, et al. would also not seem to represent prior art to the pending application (which is a divisional of 09/773,840 filed January 31, 2001) since Archer, et al. has an earliest priority date of September 7, 2001 for Provisional Application No. 60/318121. Accordingly, it is not understood how Archer, with a priority date of September 7, 2001, may be cited against the present application, which is entitled to a priority date of January 31, 2001.

In consideration of the amendments to the claims and the remarks hereinabove, Applicant respectfully submits that all claims currently pending in the application are believed to be in condition for allowance. Allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge

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them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,

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